

**Attorney work Product**

**Attorney-client privilege**

**Interview Summary**

**Persons interviewed:** John Michaud and Lee Tyner, OGC

**Interviewers:** Mary Kay Lynch, Brian Grant and Eric Wilber in person, and Allyn Stern on the phone

**Date:** November 18, 2015

**Time:** 12:00 to 1:00 pm EST

John Michaud and Lee Tyner were interviewed on November 18, 2015, as part of an internal EPA After-Action review of the Agency's response to the release at Gold King Mine in Colorado on August 5, 2015. John is the Acting Associate General Counsel for the Solid Waste and Emergency Response Law Office in EPA's Office of General Counsel, and Lee is a staff attorney in SWERLO.

**Synopsis of interview:**

Lee was in the EOC at the OGC desk for six weeks, starting Tues August 11.

John was on leave during incident. Not back till Tues 8/11, at which point he began to have some involvement.

In addition to Lee's work in the EOC, John and Lee provided the usual OGC services of responding to legal questions.

Lee is not sure if the incident command center was set up in Durango by 8/11.

Lee does not remember who was in charge each day in the EOC, but it was often Eugene Lee.

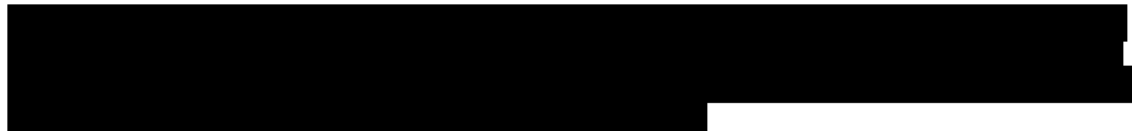
Lee understands EPA was doing an investigation at the GKM site prior to the release. There was no action memo for GKM. There was an AM for the Red and Bonita Mine. Lee understands the region was looking at GKM to investigate the potential effects of work at Red and Bonita Mine on GKM. (b) (5) DPP, (b) (5) ACP

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(b) (5) DPP, (b) (5) ACP

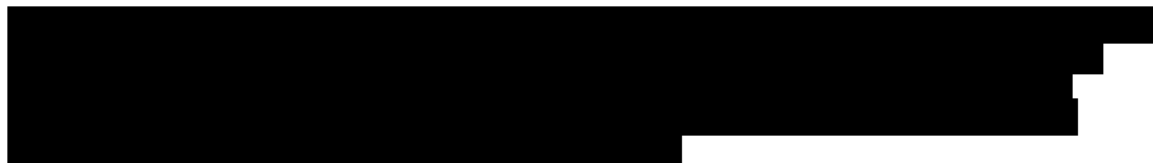
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Lee and John had few direct communications with states or tribes. Lee was on one call with state folks re a long-term water monitoring plan.

(b) (5) DPP, (b) (5) ACP

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(b) (5) DPP, (b) (5) ACP



Following the interview, at 4:43 pm on November 18, John emailed a link to an OSWER webpage posting frequently asked questions. According to SWERLO, this is “the closest we have to policy or guidance on release reporting.” The URL for release reporting FAQs is:  
<https://emergencymanagement.zendesk.com/hc/en-us/sections/202347787>